

REMARKS

Claims 1-25 and 27-29 are pending in this application, with claims 1, 20 and 28 being independent. Claims 1, 20, 27 and 28 have been amended, and claim 26 has been canceled. Specifically, claims 1 and 20 have been amended to incorporate the limitations of claim 26, now canceled. Claim 27 has been amended to depend from claim 1, and claim 28 has been rewritten in independent form. Applicants submit that the amendments to claims 1, 20, 27 and 28 simply incorporate already existing dependent claim features into independent claims and, therefore, do not introduce new matter and do not raise any new issues for consideration that would require further search by the Examiner. Accordingly, applicants respectfully request entry of these amendments.

Claim 28 has been objected to as containing a typographical error. Claim 28 has been amended to eliminate the typographical error. Applicants, therefore, request reconsideration and withdrawal of this objection.

Independent claims 1, 20 and 28, along with their dependent claims 2, 4, 5, 7, 10, 11, 13, 17-19, 21-25, 27 and 29, have been rejected as being unpatentable over Yen (U.S. Patent No. 5,991,799) in view of Bournas (U.S. Patent No. 6,061,679).

Independent claim 1 recites a method of providing content relevant to television programming that includes determining television programming being viewed by a viewer and determining available context information associated with the television programming available for delivery to the viewer. As amended, claim 1 further recites "making an intelligent selection of selected context information from among the available context information, wherein making an intelligent selection comprises selecting the selected context information based upon *a hierarchy* of the available context information ... wherein *the hierarchy* of the available context information *comprises ranked categories of context information associated with a television program being viewed by the viewer*" (emphasis added). Applicants request reconsideration and withdrawal of the rejection of claim 1, and its dependent claims, because neither Yen, Bournas, nor any proper combination of the two describes or suggests the recited intelligent selection of context information available for delivery to a viewer based on a hierarchy that includes ranked

categories of context information associated with a television program being viewed by the viewer.

As acknowledged by the Examiner in the Final Office Action on page 4, Yen does not describe or suggest the selection of context information, which the Examiner equates to Yen's information items, based on a hierarchy, much less based on a hierarchy that includes ranked categories of context information associated with a television program being viewed by the viewer. The Examiner refers to Bournas as disclosing the "hierarchy" feature of claim 1.


Bournas relates to a data structure and search technique that organizes a plurality of addressable elements (e.g., host computers) based on keys or addresses, key masks, and key mask ranges. Each key or address is a code expressed as a number of symbols (e.g., a group of bits) that may be used to locate an addressable element for routing or searching purposes (e.g., an IP address, such as 9.131.58.128). Col. 5, lines 6-25. A key mask is used in conjunction with a specified key to identify a group of addressable elements (e.g., a subnet). Col. 5, lines 26-36. The key mask includes the same number of symbols as a key or address but is configured to designate a variation in one or more of the symbols of the specified key. Col. 5, lines 38 and 39. An addressable element having a key that is equal to the specified key or equal to the specified key as varied in accordance with the variation designated by the key mask is deemed part of the identified group (e.g., part of the subnet). Col. 5, lines 40-57. Each key mask has a key mask range that indicates the degree of variation and, hence, the size of a group identified through use of the key mask (e.g., the size of the subnet). Col. 5, lines 58-67. Bournas describes enabling efficient routing or searching of addressable elements by using a routing table or search table that is ordered based on key mask ranges. Col. 6, lines 1-7.

Accordingly, the hierarchy imposed by Bournas does not include "*ranked categories of context information associated with a television program being viewed by the viewer,*" as claimed. Rather, Bournas's hierarchy includes a ranking that is based on key mask ranges that group addressable elements in, for example, subnets in accordance with specifically formatted key masks and keys or addresses.

For at least this reason, claim 1, and its dependent claims 2, 4, 5, 7, 10, 11, 13, 17-19 and 25, are patentable over Yen, Bournas, and any combination thereof. Claim 27, which depends from claim 1, is also patentable over Yen, Bournas, and any combination thereof for at least the above reason and, moreover, because neither Yen, Bournas, nor any combination thereof, describes or suggests that the "ranked categories comprise one or more of an episode of the television program, a name of the television program, and a broadcaster of the television program," as recited in claim 27.

Independent claim 20 relates to a computer program, stored on a computer readable medium, that includes instructions for causing a computer system to, among other things, "make an intelligent selection of selected context information from among the available context information, wherein making the intelligent selection comprises selecting the selected context information based upon *a hierarchy* of the available context information ... wherein *the hierarchy* of the available context information *comprises ranked categories of context information associated with a television program being viewed by the viewer*" (emphasis added). For at least the reasons discussed above with respect to claim 1, claim 20, and its dependent claims 21-24, are patentable over Yen, Bournas, or any combination thereof.

Independent claim 28 is previously pending claim 28 rewritten in independent form. Claim 28 recites a method of providing content relevant to television programming that includes determining television programming being viewed by a viewer and determining available context information associated with the television programming available for delivery to the viewer. Claim 28 further recites "making an intelligent selection of selected context information from among the available context information, wherein making an intelligent selection comprises selecting the selected context information based upon *a hierarchy* of the available context information ... wherein *the hierarchy* of the available context information *comprises ranked categories of context information associated with the viewer*" (emphasis added). Applicants request reconsideration and withdrawal of the rejection of claim 28, and its dependent claim 29, because neither Yen, Bournas, nor any proper combination of the two describes or suggests the recited intelligent selection of context information available for delivery to a viewer based on a



hierarchy that includes ranked categories of context information associated with a viewer of a television program.

As described previously with respect to claim 1, Yen fails to describe or suggest the selection of context information based on a hierarchy, much less based on a hierarchy that includes ranked categories of context information associated with a viewer of a television program. Moreover, the hierarchy described by Bournas also does not include "*ranked categories of context information associated with the viewer*," as claimed. Rather, Bournas's hierarchy includes a ranking that is based on key mask ranges that group addressable elements in, for example, subnets in accordance with specifically formatted key masks and keys or addresses.

For at least this reason, applicants request reconsideration and withdrawal of the rejection of claim 28 and its dependent claim 29.

Claims 3, 8, 9, 12 and 15, which depend from claim 1, have been rejected as being obvious over Yen in view of Bournas and further in view of Matthews (U.S. Patent No. 5,654,748). Matthews does not remedy the deficiencies of Yen and Bournas discussed above with respect to claim 1. In particular, Matthews does not describe or suggest, nor is it relied upon to teach, at least the claimed "making an intelligent selection [by] selecting the selected context information based upon a hierarchy of the available context information... wherein *the hierarchy* of the available context information *comprises ranked categories of context information associated with a television program being viewed by the viewer*" (emphasis added). Rather, Matthews relates to a system for providing an electronic programming guide that includes TV schedules and information about a TV program being viewed. For at least these reasons, claims 3, 8, 9, 12 and 15 are patentable over Yen, Bournas, Matthews, or any combination thereof.

Claims 6 and 14, which depend from claim 1, have been rejected as being obvious over Yen in view of Bournas and further in view of Feinleib (U.S. Patent No. 6,637,032). Feinleib also does not remedy the deficiencies of Yen and Bournas discussed above with respect to claim 1. In particular, Feinleib does not describe or suggest, nor is it relied upon to teach, at least the

claimed "making an intelligent selection [by] selecting the selected context information based upon a hierarchy of the available context information ... wherein *the hierarchy* of the available context information *comprises ranked categories of context information associated with a television program being viewed by the viewer*" (emphasis added) ." Rather, Feinleib relates to a system for synchronizing supplemental content with a television program by using unique data character string in the closed captioning of the television program. For at least these reasons, claims 6 and 14 are patentable over Yen, Bournas, Feinleib, or any combination thereof.

Applicants do not acquiesce in the Examiner's characterizations of the art. For brevity and to advance prosecution, however, applicants may have not addressed all characterizations of the art and reserve the right to do so in further prosecution of this or a subsequent application. The absence of an explicit response by the applicants to any of the examiner's positions does not constitute a concession of the examiner's positions. The fact that applicant's comments have focused on particular arguments does not constitute a concession that there are not other arguments for patentability of the claims. All of the dependent claims are patentable for at least the reasons given with respect to the claims on which they depend.

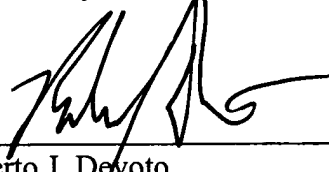
Applicants submit that all claims are in condition for allowance.

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Respectfully submitted,

Date: _____

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